

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No.: 5:17-cv- 00511-FL

EPIC GAMES, INC. and EPIC GAMES
INTERNATIONAL S.à.r.l.,

Plaintiffs,

v.

B.B.,

Defendant.

**SECOND DECLARATION OF
CHRISTOPHER M. THOMAS**

Pursuant to 28 U.S.C. § 1746, Christopher M. Thomas hereby declares and states as follows:

1. I am over 18 years of age, suffer from no known disability, and have personal knowledge of the facts set forth herein. All the statements in this declaration are true and correct.

2. I am counsel for Plaintiff Epic Games, Inc. and Epic Games International S.à.r.l. (collectively, “Plaintiffs” or “Epic”) in the above-captioned case.

3. Epic is the developer and publisher of several computer games, including Fortnite®, which is Epic’s most successful game to date.

4. Epic is opposed to any cheating or similar unauthorized behavior in any of its games.

5. Such conduct violates Epic’s code of conduct for Fortnite, which specifically states:

Play fairly and within the rules of the game. Don't cheat, AFK, grief, exploit bugs or glitches . . .

A true and correct copy of the "Fortnite Battle Royale Code of Conduct" is attached hereto as Exhibit A.

6. When Epic became aware of the efforts of certain individuals, including Defendant, to cheat by altering Fortnite's copyrighted code, it put in place certain technological security measures to effectively control and restrict access to Fortnite's copyrighted code in order to protect Epic's copyrighted works.

7. The technological security measures put in place by Epic effectively control access to the Fortnite code because the measures, in the ordinary course of operation, require the application of information, or a process or a treatment, with the authority of Epic in order to gain access to Fortnite's code.

8. B.B.'s cheat modification circumvented Epic's technological security measures as set out under 17 U.S.C. § 1203(a)(3)(B) in that it avoided, bypassed, removed, deactivated and/or impaired a technological measure without Epic's authority.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 13th, 2018.



Christopher M. Thomas

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **SECOND DECLARATION OF CHRISTOPHER M. THOMAS** was electronically filed this day with the Clerk of Court using the CM/ECF system and is available to B.B. c/o Christine Broom via PACER. Copies will be served on both B.B. and Christine Broom as soon as we are properly able to serve them, at which point undersigned counsel will file an amended certificate of service.

This the 13th day of June, 2018.

/s/ Christopher M. Thomas
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